

County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 8

Resolution No. 121-2011

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that portions of a Water and Utility Easement and a Sewer and Utility easement, collectively comprising approximately 0.6669 acres, are no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to terminate the property interest, vesting title to the adjacent property owner, Trinity Homes at Cypress Springs, LLC; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to abandon the easements if he finds that the easements may have a further public use and submits his finding to the County Council for its consideration.

Introduced and read first time July 5, 2011.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Read for a second time at a public hearing on July 18, 2011.

By order Stephen LeGendre
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted ☒, Adopted with amendments ☐, Failed ☐, Withdrawn ☐, by the County Council on July 28, 2011.

Certified By Stephen LeGendre
Stephen LeGendre, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, the County acquired a Water and Utility Easement, comprising
2 approximately 0.9664 acres, by that certain Deed dated April 14, 1994 conveyed to the County
3 by Myrtle M. Young and recorded among the Land Records of Howard County, Maryland in
4 Liber 3240, folio 481 and by that certain Deed dated June 6, 1994 conveyed to the County by
5 Marjorie C. Irby and recorded among the Land Records of Howard County, Maryland in Liber
6 3280, folio 391, (collectively the "Water and Utility Easement"), as shown on the attached
7 Exhibit A, sheets 1 and 2; and

8
9 **WHEREAS**, the County acquired a Sewer and Utility Easement, comprising
10 approximately 0.5471 acres, by that certain Deed dated June 5, 1995 conveyed to the County by
11 Marjorie C. Irby and recorded among the Land Records of Howard County, Maryland in Liber
12 3503, folio 578 (the "Sewer and Utility Easement"), as shown on the attached Exhibit A, sheets 1
13 and 2; and

14
15 **WHEREAS**, Trinity Homes at Cypress Springs, LLC (the "Developer") has presented a
16 subdivision plat titled "Cypress Springs-Phase I, Lots 1-13, Open Space Lots 14-17, and Non-
17 Buildable Bulk Parcels A-D" to the Department of Planning and Zoning for the development of
18 the underlying property; and

19
20 **WHEREAS**, as part of the development, the Developer proposes to relocate a portion of
21 the the Water and Utility Easement, comprising approximately 0.3029 acres, and a portion of
22 the Sewer and Utility Easement, comprising approximately 0.3640 acres (collectively, the
23 "Easements"), as shown in the attached Exhibit A, sheets 1 and 2; and

24
25 **WHEREAS**, Section 4.201 "Disposition of real property" of the Howard County Code
26 authorizes the County Council to declare that property is no longer needed for public purposes
27 and authorizes the County Council to waive advertising and bidding requirements for an
28 individual conveyance of an easement interest upon the request of the County Executive and
29 after a public hearing that has been duly advertised; and

1 **WHEREAS**, the County Council has received a request from the County Executive to
2 waive the advertising and bidding requirements in this instance for the abandonment of the
3 Easements and their conveyance to the Developer.
4

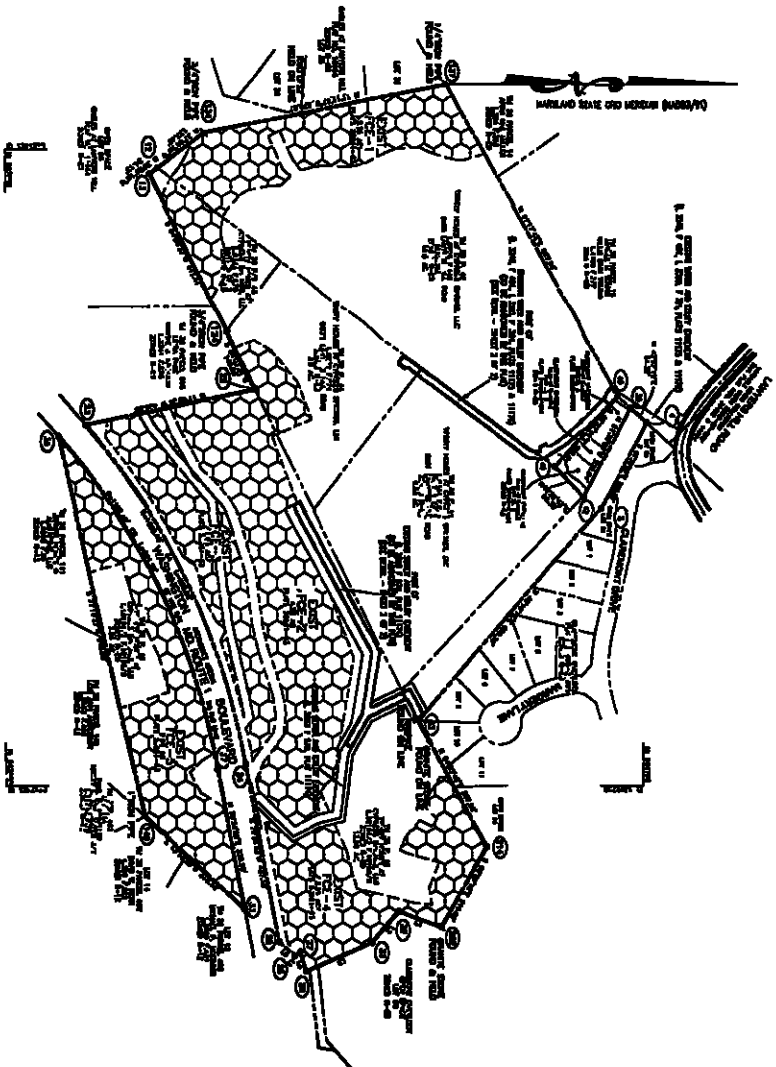
5 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
6 Maryland, this 28th day of July, 2011, that the Easements, as shown on the
7 attached Exhibit A, sheets 1 and 2, are no longer needed by the County for public purposes.
8

9 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
10 Executive and having held a public hearing that was duly advertised, the County Council
11 declares that the best interest of the County will be served by authorizing the County Executive
12 to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County
13 Code for the abandonment of the Easements and their conveyance to the Developer.
14

15 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that any or all
16 of the Easements may have a further public use and that the any or all of the Easements should
17 not be abandoned and conveyed; he may submit his findings and recommendations to the County
18 Council for its consideration without being bound to abandon and convey any or all of the
19 Easements in accordance with this Resolution.

NAME	NUMBER	LENGTH	WEIGHT	DEPTH	STATION	WAVELENGTH	PERIOD
71	1200.0	601.6	452.91	30°44'20"	S	6.67E-16 s	100.00
72	1200.0	601.20	453.00	31°54'00"	N	6.67E-16 s	100.00

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 21.30 42° W	104.00'
L2	S 50° 29' 18" E	88.33'
L3	S 23° 08' 18" E	169.85'
L4	S 72° 05' 32" W	47.32'
L5	S 33° 34' 08" E	16.50'
L6	S 42° 04' 52" W	48.50'



PART OF EXISTING WATER AND UTILITY EASEMENT
R. 3340 F. 481, L. 3280 F. 391, PLATS 11175 & 11176)
(TO BE ABANDONED BY THIS PLAT)

PART OF EXISTING SEWER AND UTILITY EASEMENT
(L. 3503 F. 378, PLAT 11174)
(TO BE ABANDONED BY THIS PLAT)

**EXISTING PUBLIC FOREST CONSERVATION EASEMENT
(PLATS 20061-20063)**

ROBERT H. VOGEL ENGINEERING, INC.

415-461-7033

2675 PARK AVE., SUITE 201
ELLCOTT CITY, MARYLAND 21043-4511
410-480-0023

DISPATCH SYMBOL AND

EXISTING SEWER AND UTILITY EASEMENT (R. 2503 & 2504)

OWNER'S CERTIFICATE

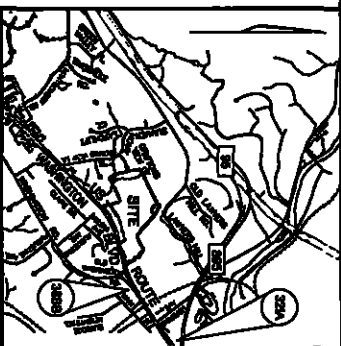
[illegible]

SURVEYOR'S CERTIFICATE

[illegible]

GENERAL NOTES:

1. CONSIDERED FOR AND BY THE BOARD AND CONSENTED THEREOF AS FOLLOWS BY BOARD ACTION: 10/1/74, 10/2/74, 10/3/74, 10/4/74, 10/5/74, 10/6/74, 10/7/74, 10/8/74, 10/9/74, 10/10/74, 10/11/74, 10/12/74, 10/13/74, 10/14/74, 10/15/74, 10/16/74, 10/17/74, 10/18/74, 10/19/74, 10/20/74, 10/21/74, 10/22/74, 10/23/74, 10/24/74, 10/25/74, 10/26/74, 10/27/74, 10/28/74, 10/29/74, 10/30/74, 10/31/74, 11/1/74, 11/2/74, 11/3/74, 11/4/74, 11/5/74, 11/6/74, 11/7/74, 11/8/74, 11/9/74, 11/10/74, 11/11/74, 11/12/74, 11/13/74, 11/14/74, 11/15/74, 11/16/74, 11/17/74, 11/18/74, 11/19/74, 11/20/74, 11/21/74, 11/22/74, 11/23/74, 11/24/74, 11/25/74, 11/26/74, 11/27/74, 11/28/74, 11/29/74, 11/30/74, 12/1/74, 12/2/74, 12/3/74, 12/4/74, 12/5/74, 12/6/74, 12/7/74, 12/8/74, 12/9/74, 12/10/74, 12/11/74, 12/12/74, 12/13/74, 12/14/74, 12/15/74, 12/16/74, 12/17/74, 12/18/74, 12/19/74, 12/20/74, 12/21/74, 12/22/74, 12/23/74, 12/24/74, 12/25/74, 12/26/74, 12/27/74, 12/28/74, 12/29/74, 12/30/74, 12/31/74, 1/1/75, 1/2/75, 1/3/75, 1/4/75, 1/5/75, 1/6/75, 1/7/75, 1/8/75, 1/9/75, 1/10/75, 1/11/75, 1/12/75, 1/13/75, 1/14/75, 1/15/75, 1/16/75, 1/17/75, 1/18/75, 1/19/75, 1/20/75, 1/21/75, 1/22/75, 1/23/75, 1/24/75, 1/25/75, 1/26/75, 1/27/75, 1/28/75, 1/29/75, 1/30/75, 1/31/75, 2/1/75, 2/2/75, 2/3/75, 2/4/75, 2/5/75, 2/6/75, 2/7/75, 2/8/75, 2/9/75, 2/10/75, 2/11/75, 2/12/75, 2/13/75, 2/14/75, 2/15/75, 2/16/75, 2/17/75, 2/18/75, 2/19/75, 2/20/75, 2/21/75, 2/22/75, 2/23/75, 2/24/75, 2/25/75, 2/26/75, 2/27/75, 2/28/75, 2/29/75, 2/30/75, 3/1/75, 3/2/75, 3/3/75, 3/4/75, 3/5/75, 3/6/75, 3/7/75, 3/8/75, 3/9/75, 3/10/75, 3/11/75, 3/12/75, 3/13/75, 3/14/75, 3/15/75, 3/16/75, 3/17/75, 3/18/75, 3/19/75, 3/20/75, 3/21/75, 3/22/75, 3/23/75, 3/24/75, 3/25/75, 3/26/75, 3/27/75, 3/28/75, 3/29/75, 3/30/75, 3/31/75, 4/1/75, 4/2/75, 4/3/75, 4/4/75, 4/5/75, 4/6/75, 4/7/75, 4/8/75, 4/9/75, 4/10/75, 4/11/75, 4/12/75, 4/13/75, 4/14/75, 4/15/75, 4/16/75, 4/17/75, 4/18/75, 4/19/75, 4/20/75, 4/21/75, 4/22/75, 4/23/75, 4/24/75, 4/25/75, 4/26/75, 4/27/75, 4/28/75, 4/29/75, 4/30/75, 5/1/75, 5/2/75, 5/3/75, 5/4/75, 5/5/75, 5/6/75, 5/7/75, 5/8/75, 5/9/75, 5/10/75, 5/11/75, 5/12/75, 5/13/75, 5/14/75, 5/15/75, 5/16/75, 5/17/75, 5/18/75, 5/19/75, 5/20/75, 5/21/75, 5/22/75, 5/23/75, 5/24/75, 5/25/75, 5/26/75, 5/27/75, 5/28/75, 5/29/75, 5/30/75, 5/31/75, 6/1/75, 6/2/75, 6/3/75, 6/4/75, 6/5/75, 6/6/75, 6/7/75, 6/8/75, 6/9/75, 6/10/75, 6/11/75, 6/12/75, 6/13/75, 6/14/75, 6/15/75, 6/16/75, 6/17/75, 6/18/75, 6/19/75, 6/20/75, 6/21/75, 6/22/75, 6/23/75, 6/24/75, 6/25/75, 6/26/75, 6/27/75, 6/28/75, 6/29/75, 6/30/75, 7/1/75, 7/2/75, 7/3/75, 7/4/75, 7/5/75, 7/6/75, 7/7/75, 7/8/75, 7/9/75, 7/10/75, 7/11/75, 7/12/75, 7/13/75, 7/14/75, 7/15/75, 7/16/75, 7/17/75, 7/18/75, 7/19/75, 7/20/75, 7/21/75, 7/22/75, 7/23/75, 7/24/75, 7/25/75, 7/26/75, 7/27/75, 7/28/75, 7/29/75, 7/30/75, 7/31/75, 8/1/75, 8/2/75, 8/3/75, 8/4/75, 8/5/75, 8/6/75, 8/7/75, 8/8/75, 8/9/75, 8/10/75, 8/11/75, 8/12/75, 8/13/75, 8/14/75, 8/15/75, 8/16/75, 8/17/75, 8/18/75, 8/19/75, 8/20/75, 8/21/75, 8/22/75, 8/23/75, 8/24/75, 8/25/75, 8/26/75, 8/27/75, 8/28/75, 8/29/75, 8/30/75, 8/31/75, 9/1/75, 9/2/75, 9/3/75, 9/4/75, 9/5/75, 9/6/75, 9/7/75, 9/8/75, 9/9/75, 9/10/75, 9/11/75, 9/12/75, 9/13/75, 9/14/75, 9/15/75, 9/16/75, 9/17/75, 9/18/75, 9/19/75, 9/20/75, 9/21/75, 9/22/75, 9/23/75, 9/24/75, 9/25/75, 9/26/75, 9/27/75, 9/28/75, 9/29/75, 9/30/75, 10/1/75, 10/2/75, 10/3/75, 10/4/75, 10/5/75, 10/6/75, 10/7/75, 10/8/75, 10/9/75, 10/10/75, 10/11/75, 10/12/75, 10/13/75, 10/14/75, 10/15/75, 10/16/75, 10/17/75, 10/18/75, 10/19/75, 10/20/75, 10/21/75, 10/22/75, 10/23/75, 10/24/75, 10/25/75, 10/26/75, 10/27/75, 10/28/75, 10/29/75, 10/30/75, 10/31/75, 11/1/75, 11/2/75, 11/3/75, 11/4/75, 11/5/75, 11/6/75, 11/7/75, 11/8/75, 11/9/75, 11/10/75, 11/11/75, 11/12/75, 11/13/75, 11/14/75, 11/15/75, 11/16/75, 11/17/75, 11/18/75, 11/19/75, 11/20/75, 11/21/75, 11/22/75, 11/23/75, 11/24/75, 11/25/75, 11/26/75, 11/27/75, 11/28/75, 11/29/75, 11/30/75, 12/1/75, 12/2/75, 12/3/75, 12/4/75, 12/5/75, 12/6/75, 12/7/75, 12/8/75, 12/9/75, 12/10/75, 12/11/75, 12/12/75, 12/13/75, 12/14/75, 12/15/75, 12/16/75, 12/17/75, 12/18/75, 12/19/7



VICINITY MAP
SCALE: 1"=200'
AUG 1988 17 4-15

RECORDS AS PLAT No. _____ ON _____
 AMONG THE LAND RECORDS OF HOWARD COUNTY, MONTANA.

PLAY OF EASEMENT ABANDONMENT
 TRINITY HOMES AT
 CYPRESS SPRINGS, LLC
 PROPERTIES

ZONED R-ED
 MAX MAP No. 38, Bk. 3, Parcel Nos. 42.44.45 &
 FIRST ELECTION DISTRICT
 HOWARD COUNTY, MARYLAND
 SCALE: 1" = 200'
 JUNE 23, 2011

GRAPHIC SCALE
200'
400'
800'

SHEET 1 OF 2

LINE				COURSE			
COURSE WORK AND STUDY EXPENDITURE ON BEHALF OF THE UNIVERSITY OF THE SOUTH AFRICAN AIR FORCE							
1	80-7231	101	ENGLISH				
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OWNER/DEVELOPER
THOMAS HOUSES AT CHIFFERS SPRING, UTAH
3675 PACE AVE., SUITE 201
ELLICOTT CITY, MARYLAND 21043-1611
410-482-0023

OWNER'S CERTIFICATE

THAT HAD AS CITIZENS GROUP, LLC, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, HEREBY ADOPTS THIS PLAN IN CONNECTION WITH THE DEVELOPMENT OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, AND THAT THE CITY OF CHICAGO HAS GRANTED THE APPROVAL OF THIS PLAN OF PLANNING AND ZONING, TO ALLOWING VARIOUS RESIDENTS,

**APPROPRIATE HOWARD COUNTY DEPARTMENT OF PLANNING
AND ZONING**

PROJECT	DATE
1. [Project Name]	2023-01-15
2. [Project Name]	2023-02-01
3. [Project Name]	2023-02-15
4. [Project Name]	2023-03-01
5. [Project Name]	2023-03-15
6. [Project Name]	2023-03-31
7. [Project Name]	2023-04-15
8. [Project Name]	2023-04-30
9. [Project Name]	2023-05-15
10. [Project Name]	2023-05-31
11. [Project Name]	2023-06-15
12. [Project Name]	2023-06-30
13. [Project Name]	2023-07-15
14. [Project Name]	2023-07-31
15. [Project Name]	2023-08-15
16. [Project Name]	2023-08-31
17. [Project Name]	2023-09-15
18. [Project Name]	2023-09-30
19. [Project Name]	2023-10-15
20. [Project Name]	2023-10-31
21. [Project Name]	2023-11-15
22. [Project Name]	2023-11-30
23. [Project Name]	2023-12-15
24. [Project Name]	2023-12-31

JOHN HODGES & COMPANY, INC.
TRAVEL QUALITY HOTELS, INC.
LEADER, FRANCHISEE

1985

THOMAS H. ROYCE, JR. DOE
PROPERTY LIAISON, HARVARD REG. NO. 767

SURVEYOR'S CERTIFICATE

[illegible]

PURPOSE
THE PURPOSE OF THIS PLAN IS TO ADDITION 1) PART OF AN EXISTING WATER AND UTILITY AGREEMENT (L 3294, F 441, L 3580 F 301) AND 2) PART OF AN EXISTING POWER AND UTILITY AGREEMENT (L 3505 F 374).

THOMAS H. HOFFMAN, JR., DANIEL
PROPERTY LINE SURVEYOR, WESTLAND RES. CO. 267
TODDLY HOMES AT CYPRESS SPARKS, LLC. 04/15/2014

THE REQUIREMENTS OF SECTION 1, THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1980, REPENDENT VOLTAGE, (AS SUPPLEMENTED) AS FAR AS THEY RELATE TO THE MAKING OF THESE PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

**PLAT OF EASEMENT ABANDONMENT
TRINITY HOMES AT
CYPRESS SPRINGS, LLC
PROPERTIES**

ZONED R-ED
TAX MAP No. 38, BLK. 3, PARCEL Nos. 42.44.45 & 46
FIRST ELECTION DISTRICT
HOWARD COUNTY, MARYLAND

GRAPHIC SCALE

SHEET 2 OF 2

SOP-06-061

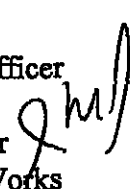


Howard County

Internal Memorandum

Subject: Testimony & Fiscal Impact Statement
Council Resolution No. _____ - 2011 declaring that portions of a Sewer and Utility Easement and portions of a Water and Utility Easement, collectively comprising approximately 0.6669 acres, are no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to terminate the property interest, vesting title to the adjacent property owner, Trinity Homes at Cypress Springs, LLC; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to abandon the easements if he finds that the easements may have a further public use and submits his finding to the County Council for its consideration.

To: Lonnie R. Robbins
Chief Administrative Officer

From: James M. Irvin, Director 
Department of Public Works

Date: June 23, 2011

The Department of Public Works has been designated coordinator for the preparation of testimony relative to the termination of portions of a Sewer and Utility Easement and portions of a Water and Utility Easement (the "Easements") located on the property owned by Trinity Homes at Cypress Springs, LLC ("Trinity Homes").

Trinity Homes acquired property shown on Tax Map 38, as Parcels 42, 44, 45, and 46 and have submitted a subdivision to the County titled "Cypress Springs-Phase I, Lots 1-13, Open Space Lots 14-17, and Non-Buildable Bulk Parcels A-D" (DPZ File No. F-10-028). Trinity Homes plans for the subdivision requires the relocation of portions of the Easements. The Easements were acquired by the County by Deed of Easement from Marjorie C. Irby dated June 5, 1995 recorded among the Land Records of Howard County, Maryland in Liber 3503, folio 578, Deed of Easement from Myrtle M. Young dated April 14, 1994 recorded among the aforesaid Land Records in Liber 3240, folio 481, and Deed of Easement from Marjorie C. Irby dated June 6, 1994 and recorded among the aforesaid Land Records in Liber 3280, folio 391.

Trinity Homes has requested that a portion of the Easements be terminated in order to facilitate the development of the properties as shown on its plans. The portion of the easements being terminated is shown on a plat titled "Plat of Easement Abandonment Trinity Homes At Cypress Springs, LLC Properties".

The Departments of Planning and Zoning and Public Works have reviewed the plans and determined that portions of the Easements to be terminated are no longer required for public purposes.

Lonnie R. Robbins

Page – 2

June 23, 2011

Trinity Homes will bear all costs associated with the proper removal of the existing water and sewer mains and installation of the new facilities; therefore, there is no fiscal impact to the County.

Attached is a Resolution requesting approval for the conveyance of the terminated easements to Trinity Homes at Cypress Springs, LLC.

If you require further information concerning this matter or have any additional questions, please do not hesitate to contact me at your convenience.

cc: Jennifer Sager
Marsha McLaughlin
File

TAR\TERMINATIONS\Cypress Springs - Phase II\Testimony Letter.docx

[illegible]

LINE	BEARING	DISTANCE
L1	S 21°30'42"W	101.00'
L2	S 50°29'18"E	84.33'
L3	S 23°08'18"E	199.85'
L4	S 72°55'52"W	47.32'
L5	S 37°34'08"E	16.50'
L6	S 42°04'52"W	48.80'



PART OF EXISTING SEWER AND UTILITY EASEMENT
(L 3503 F 578, PLAT 11174)
(TO BE ABANDONED BY THIS PLAT)

ROBERT H. VOGEL ENGINEERING, INC.

8407 MAIN STREET
ELLCOTT CITY, MARYLAND 21043
410-451-7888

OWNER/DEVELOPER
THURTY HOUSES AT CROSS SPRADE, LLC
 3675 PARK AVE., SUITE 301
 ELICOTT CITY, MARYLAND 21043-4511
 410-487-0023

OWNER'S CERTIFICATE

THIRTY HOME AT GROSS SPRINGS, LLC, OWNER OF THE PROPERTY BEING AND DOWNSTOWN HERBERT, HERBERT ADAPTS THIS PLAN IN CONFORMANCE WITH THE ATTORNEY'S TO THIS PLAN OF EASEMENT AGREEMENT BY THE EMENT OF PLANNING AND ZONING, TO ADDRESS VARIOUS EXISTING.

	DATE
1968-70	

COORDINATE LIST	NUMBER	NUMBER
1	54400001	13000001
2	54400002	13000002
3	54400003	13000003
4	54400004	13000004
5	54400005	13000005
6	54400006	13000006
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8	54400008	13000008
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99	54400099	13000099
100	54400100	13000100

VICINITY MAP

SCALE: 1"=2000'
ADC MAP: 17 H-J8

GENERAL NOTES:

- [illegible]

PURPOSE

THE PURPOSE OF THIS PLAT IS TO ABANDON 1) PART OF AN EXISTING WATER AND UTILITY EASEMENT (L 3240, F 481, L 3280 F 301) AND 2) PART OF AN EXISTING SEWER AND UTILITY EASEMENT (L 3503 F 870).

SURVEYOR'S CERTIFICATE

[illegible]

RECORDED AS PLAT No. _____ ON _____
 SHOWING THE LAND RESIDUES OF HUNTER COUNTY, MARYLAND.
**PLAT OF EASEMENT ABANDONMENT
 TRINITY HOMES AT
 CYPRESS SPRINGS, L
 PROPERTIES**

TAX MAP No. 38, BLC: 3, PARCEL Nos. 42.44.43 & 46
 ZONED R-ED
 FIRST ELECTION DISTRICT
 HOWARD COUNTY, MARYLAND
 SCALE: 1" = 200' JUNE 23, 2011

GRAPHIC SCALE

11

SHEET 1 OF 2

198-105-205

